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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/270,128	03/16/1999	THOMAS R. MILLER	09469/157001; 94.0016	2059
55346	7590	04/29/2008		
OSHA . LIANG L.L.P. / SLB 1221 MCKINNEY STREET SUITE 2800 HOUSTON, TX 77010			EXAMINER THANGAVELU, KANDASAMY	
			ART UNIT	PAPER NUMBER
			2123	
			NOTIFICATION DATE	DELIVERY MODE
			04/29/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/270, 128

Applicant(s)

MILLER, THOMAS R.

Examiner

KANDASAMY THANGAVELU

Art Unit

2123

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 07 April 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See the Explanation on the next page.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Paul L Rodriguez/
Supervisory Patent Examiner, Art Unit 2123

As per the applicants argument that "the Examiner contends that Huang discloses both the existence of a plurality of sets and supersets and a tree-like structure for storing said plurality of sets and supersets; applicants disagree with the Examiner's contentions; Huang never discusses storing the scenarios in a tree-like structure; Huang does disclose that data domains are presented in tree-like structures; Huang discloses a data domain as a set of product, customer, and resource combinations for use in performing various analyses; Huang explicitly teaches a new domain may be created from a tree-like listing of all available products and product groupings and all available customer/customer groupings; even assuming the Examiner's attempt to equate the scenarios, as disclosed by Huang, with the sets and supersets is proper, Huang still fails to teach or suggest storing said scenarios (i.e., sets and supersets) in a tree-like structure; the tree-like structure disclosed by Huang stores data domains not scenarios; Huang fails to teach or suggest the storage of sets and supersets (i.e., scenarios) in a tree-like structure; a scenario is not equivalent to a data domain", the Examiner respectfully disagrees.

Claim 1 claims a case manager adapted for storing a plurality of sets and supersets of test data file, wherein each set and superset is a test data file for performing a simulation, each superset defining a case scenario of its related set; a case manager adapted for storing a plurality of sets and supersets of test data files, the sets and supersets of test data files being stored in the case manager in the form of a tree like structure.

Therefore, the applicant's tree structure comprises sets and supersets of simulation test data files, and the applicant calls each superset of test data file as a scenario. Therefore the scenario in the applicant's invention is nothing but test data in a test data file. Huang et al. teaches at CL 94, L42-45 that users generate changes to the databases or visual objects that can be saved as scenarios which are managed by the scenario manager; scenarios contain edited data, results of analysis, graphs and charts and performance metrics. The Examiner interprets this to mean that the scenarios contain data as claimed by the applicants. Fig. 52 of Huang et al. shows a tree like structure for storing files of data. Huang et al. teaches at CL104, L35-55 that users create new data domains and add them to the list of existing data domains; the users can create tuples from a tree like listing of all products and product groupings. The Examiner interprets this to mean that the users can use the tree like structure to connect the data files of the scenarios and add new data files to the tree structure. Huang et al. teaches at CL95, L63-64, supply chain performance simulator. Huang et al. teaches at CL96, L35-37 performance simulator, parameter settings and simulation monitoring. Therefore, the tree like structure can be used to store the simulation test data in scenarios.